

IC 35-35-2

Chapter 2. Pleadings

IC 35-35-2-1

Pleadings; motions, requisites, and answers

Sec. 1. (a) Pleadings in criminal proceedings are:

- (1) an indictment;
- (2) an information; and
- (3) pleas of:
 - (A) not guilty;
 - (B) guilty; and
 - (C) guilty but mentally ill at the time of the crime.

Defenses and objections raised before trial which, before July 26, 1973, could have been raised by a plea in abatement, a plea in bar, a demurrer, a motion to quash, or any other plea not specifically allowed under this subsection may be raised only by motion to dismiss or to grant appropriate relief as provided in this title.

(b) Except as provided in this title, an application to the court for an order must be by motion. A motion other than one made during a trial or hearing must be in writing unless the court permits it to be made orally. It must state the grounds upon which it is made and set forth the relief or order sought. It may be supported by affidavit.

(c) Except as provided in this title, whenever the defendant files a motion, the state may file an answer to that motion. If no answer is filed by the state, all issues of fact and law raised by the motion stand at issue and the court shall proceed.

As added by Acts 1981, P.L.298, SEC.4. Amended by Acts 1982, P.L.204, SEC.26.

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Rules of procedure applicable

Sec. 2. In all criminal cases where no provision has been made in this title, the Indiana Rules of Trial Procedure govern. Where no procedure is provided by this title, the trial court may proceed in any manner consistent with applicable statutes or court rules.

As added by Acts 1981, P.L.298, SEC.4.